THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9688 of 2007

Dated: 01-05-2007

Between:

Ghanta Tatayya and others.

..... PETITIONERS

AND

The District Collector, West Godavari, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9688 of 2007

ORDER:

The petitioners/their immediate predecessors were assigned different extents of lands in survey Nos.578 and 623/P and 633/P situated at Yadavolu Village, Devarapalli Mandal, West Godavari District. The petitioners allege that they are in possession of the lands from 1977 and cultivating the same. It is the case of the petitioners that on 02.04.2007 at 11.00 a.m, respondents 3 to 9 came to the land and attempted to trespass into the land. They relied on the pattas granted by second respondent, namely, the Mandal Revenue Officer (MRO), and therefore they tried to take forceful possession. Hence, the petitioners are before this Court

seeking a writ of Mandamus declaring the action of second respondent in instigating respondents 3 to 9 to trespass into the subject lands as illegal and arbitrary and for a consequential direction not to interfere with their possession.

A perusal of the affidavit accompanying the writ petition would show that the grievance of the petitioners is mainly against respondents 3 to 9, who are private parties. It appears that there is a dispute regarding possession between the petitioners and the other group. In such a case a writ petition is not a proper remedy. The petitioners have to approach the civil Court and seek an injunction.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

01st May, 2007
ghn